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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,208	01/04/2002	Ara H. Gharapetian	HI06036USU (P01003US)	6472

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EXAMINER	
DU, THUAN N	

ART UNIT	PAPER NUMBER
2116	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/037,208	GHARAPETIAN, ARA H.	
	Examiner	Art Unit	
	Thuan N. Du	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,14-16,21,22 and 33-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,14-16,21,22 and 33-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 10/20/08).

2. Claims 4-13, 17-20 and 23-32 have been cancelled. Claims 33-43 have been added. Claims 1-3, 14-16, 21-22 and 33-43 are presented for examination.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-3, 14, 21-22 and 33-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. [Darbee], U.S. Patent No. 5,552,917 in view of Teich et al. [Teich], U.S. Patent No. 4,850,040.

5. Regarding claim 1, Darbee teaches a remote control (10), comprising:

a memory (RAM 54) pre-programmed [col. 8, lines 1-10; col. 15, line 57 to col. 16, line 11] with addresses and commands [col. 6, line 60 to col. 7, line 2] for a plurality of electronic devices for a home theatre system [col. 8, lines 10-15];

a processor (CPU 56) capable of communicating with the memory to access the addresses and commands for the plurality of electronic devices [col. 6, line 60 to col. 7, line 2], and for storing in the memory a plurality of signals encoded with the respective addresses and commands [col. 2, lines 14-24];

an initiation device (DO button) capable of communicating with the processor [col. 5, lines 25-27] so that when the initiation device is activated the processor encodes an address and a command into a respective one of the signals for each electronic device in the plurality of electronic devices [col. 2, lines 14-24; col. 6, lines 34-36; col. 9, line 48 to col. 10, line 6; col. 16, lines 38-41]; and

a plurality of transmitters (LED 1-3) capable of communicating with the processor where the processor directs the transmitters to sequentially send automatically the signals to each electronic device in the plurality of electronic devices [Fig. 8; col. 5, lines 3-7; col. 9, lines 28-35; col. 15, line 57 to col. 16, line 41].

Darbee does not explicitly teach the remote control comprising a plurality of transmitters capable of simultaneously send the signals.

Teich teaches a remote control comprising a plurality of transmitters operated simultaneously to send signals [col. 1, lines 67-68; col. 9, lines 13-17].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Darbee to send signals simultaneously (through the existing LEDs 1-3) as taught by Teich. The modification would increase the flexibility of the system by allowing the plurality of electronic devices to receive the signals simultaneously instead of sequentially.

6. Regarding claim 2, Darbee teaches the remote control further including an input device capable of receiving address and command for an electronic device from a memory storage area [col. 5, lines 25-27; col. 8, lines 1-19].

7. Regarding claim 3, Darbee teaches the remote control further including an output device capable of communicating with the microprocessor and displaying information about a status of the remote control [col. 3, line 65 to col. 4, line 5].

8. Regarding claim 14, Darbee teaches that the address encoded in the signal for a TV [col. 8, lines 12-13].

9. Regarding claim 33, Darbee teaches that the initiation device includes a dedicated button (DO button) capable of communicating with the processor [col. 5, lines 25-27] so that when the dedicated button is activated the processor encodes an address and a turn on or off command into a signal for each respective electronic device [col. 2, lines 14-24; col. 6, lines 34-36; col. 9, line 48 to col. 10, line 6; col. 16, lines 38-41].

10. Regarding claim 34, Darbee teaches that the initiation device includes a dedicated on button (DO button) capable of communicating with the processor [col. 5, lines 25-27] so that when the dedicated button is activated the processor encodes an address and a turn on command into a signal for each respective electronic device [col. 2, lines 14-24; col. 6, lines 34-36; col. 9, line 48 to col. 10, line 6; col. 16, lines 38-41] and a dedicated off button capable of communicating with the processor so that when the dedicated button is activated the processor encodes an address and a turn on or off command into a signal for each respective electronic device [the DO1 or DO2 could be programmed to turn off the devices; col. 11, lines 60-64].

11. Regarding claim 35, Darbee teaches that the processor configured for: cycling through a plurality of addresses in the memory to ascertain an address pre-programmed

for a corresponding one of the plurality of electronic devices; if the ascertained address is found for the corresponding electronic device in the plurality of electronic devices, then encoding the address and a command into a turn on or off signal for the corresponding electronic device; and repeating the cycling and encoding steps for each of the plurality of electronic devices to encode a plurality of respective turn on or off signals [col. 7, line 51 to col. 8, line 19; col. 10, lines 2-6, 14-18; col. 16, lines 9-37].

12. Regarding claim 36, Darbee teaches that the processor configured for: if the address for electronic device is not available in the memory, then determining if a default address is available for the electronic device; if a default address is available for the electronic device, then encoding the default address and a command into a signal for the electronic device; and if a default address is not available for the electronic device, then cycling to a next electronic device in the plurality of electronic devices [col. 7, line 51 to col. 8, line 19; col. 10, lines 2-6, 14-18; col. 16, lines 9-37].

13. Regarding claims 21-22 and 37-43, they do not teach or further define over the limitations recited in the rejected claims above. Therefore, claims 8-12 and 24-29 are also anticipated by Aguilar in view of Chan for the same reasons set forth in the rejected claims above.

14. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. [Darbee], U.S. Patent No. 5,552,917 in view of Teich et al. [Teich], U.S. Patent No. 4,850,040 and further in view of Griesau et al. [Griesau], U.S. Patent No. 6,507,306.

15. Regarding claims 15 and 16, Darbee does not explicitly teaches the devices including a DVD or an amplifier. Griesau teaches a remote control used for controlling a plurality of electronic devices including TV, DVD, and amplifier [col. 3, lines 23-29]. One of ordinary skill in the art would have recognized that a DVD or an amplifier is an electronic device. Darbee teaches that the remote control capable of controlling a multiple number of different electronic devices [col. 7, lines 56-58]. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the remote control taught by Darbee would also capable of controlling a DVD or an amplifier as taught by Griesau.

Response to Argument

16. Applicant's arguments filed 10/20/2008 have been fully considered but they are not persuasive.

17. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Teich teaches the transmission of a plurality of signals simultaneously via a plurality of transmitters would be applicable and utilizable in the context of a remote control device as taught by

Darbee. The expected result is to turn on or off a plurality of device simultaneously with a press of a button.

18. In response to applicant's argument that Teich fails to teach the processor that is configured in the manner as claimed, examiner agrees. However, Darbee was relied upon to teach the feature.

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. In preparing responses, it is respectfully requested that the Applicant fully consider the

references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. Also, any prior art made of record and not relied upon is also considered pertinent to Applicant's disclosure.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 7:30 am - 4:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (571) 272-3667.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Thuan N. Du
January 7, 2009

/Thuan N. Du/
Primary Examiner, Art Unit 2116